## REMARKS

Claims 1-16 were previously pending in this application. By this amendment, Applicant cancels no claims. Claim 1 is amended. No new claims are added. As a result claims 1-16 are pending for examination with claim 1 being an independent claim. No new matter has been added. The application as presented is believed to be in condition for allowance.

### Summary of Telephone Conference with Examiner

Applicant thanks Examiner Nooristany for his time and courtesy during the telephone interview conducted on February 16, 2011 with the Applicant's representative Thomas McGinnis. During the interview, the patentability of the claims in light of the cited references was discussed. In particular, Applicant's representative provided an overview of several embodiments and asserted that neither U.S. Publication No. 2003/0037162 by Kotser (hereinafter "Kotser") nor U.S. Publication No. 2001/0021177 by Ishii (hereinafter "Ishii") discloses "storing, by the first network forwarding device and the second network forwarding device, the root bridge identifier without exchanging the root bridge identifier in a spanning tree protocol message" as required by claim 1, as amended. The Examiner stated that further consideration and search would be necessary prior to reaching an independent determination regarding the correctness of this assertion. Although no agreement was reached regarding the patentability of the claims, Applicant herein amends claim 1 as proposed prior to the interview.

### Rejections Under 35 U.S.C. §103

Claims 1-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable Kotser in view of Ishii. In response, Applicant amends claim 1 and requests reconsideration in light of the following comments.

Claim 1, as amended, is directed toward a method for determining a spanning tree. The method includes "storing, by the first network forwarding device and the second network forwarding device, the root bridge identifier without exchanging the root bridge identifier in a spanning tree protocol message." As explained below, the proposed combination of Kotser and Ishii fails to teach or suggest this claim limitation.

Kotser is directed toward a "method for controlling a system of label-switched tunnels through a communication network" (Abstract). Kotser discloses that the "IEEE 802.1D standard

proposes an alternative to fully-meshed networks by specifying an implementation of a spanning tree algorithm to trim network paths that cause loops, along with a communication protocol, known as spanning tree protocol (STP), for managing the creation and updating of the network topology" (Paragraph [0007]). Kotser also discloses that the "root bridge periodically transmits configuration BPDUs, which refresh the configuration information of all bridges in the network" (Paragraph [0016]).

Ishii is directed toward a method and system for "speeding up restoration from a communication interrupt" (Paragraph [0089]). With reference to FIGs. 5A-6E, Ishii discloses use of BPDUs to configure a spanning tree and to change the topology of the spanning tree in the event of link failures. As shown in these FIGs., a single root bridge, "Bridge A," notifies other bridges of its "root ID" using BPDU packets.

Applicant does not concede that the proposed combination of Kotser and Ishii is proper and reserves the right to traverse the proposed combination in the future. However, even if one were to combine the references as proposed, the proposed combination fails to teach or suggest "storing, by the first network forwarding device and the second network forwarding device, the root bridge identifier without exchanging the root bridge identifier in a spanning tree protocol message." Rather, as discussed above, both Kotser and Ishii employ spanning tree protocol messages, in particular BPDU packets, to disseminate root bridge identifiers. For example, Kotser discloses that the spanning tree protocol "uses configuration BPDUs to determine the network topology" (Paragraph [0009]). Similarly, Ishii discloses that, during configuration of a spanning tree, each "bridge transmits the initial value of a BPDU to all ports, and at the same time, receives the BPDU transmitted from another bridge from all the ports" (Paragraph [0025]). Thus both references disclose that bridges learn configuration information through the use of conventional spanning tree protocol packets, namely BPDUs. This approach to learning configuration information stands in contrast to "storing, by the first network forwarding device and the second network forwarding device, the root bridge identifier without exchanging the root bridge identifier in a spanning tree protocol message" as required by amended claim 1. Consequently, the proposed combination of Kotser and Ishii fails to render amended claim 1 obvious. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) is respectfully requested.

Dependent claims 2-16 depend from independent claim 1. Therefore, dependent claims 2-16 are allowable for at least the same reasons as independent claim 1. Accordingly, withdrawal of the rejection of claims 2-16 under 35 U.S.C. §103(a) is respectfully requested.

## CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. E2003-701010.

Respectfully submitted,

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